

REMARKS

In response to the Restriction Requirement set forth in the Office Action mailed October 12, 2005, Applicants hereby provisionally elect with traverse Group I, claims 1-33, for continued examination, without prejudice or disclaimer. Claim 1 is hereby amended.

Applicants respectfully submit that the restriction requirement set forth in the Action is improper for at least the reason that the Examiner fails to provide a proper basis. More particularly, the Examiner asserts that Group I (claims 1-33) and Group II (claims 34-40) are distinct from each other because the liquid crystal display device can be made without forming a buffer layer and without simultaneously using mask processes, as recited in the method of Group II. However, the Examiner has provided no evidence for such an assertion. Therefore, Applicants respectfully request reconsideration and withdrawal of the restriction between claims 1-33 and claims 34-40.

In response to the election requirement set forth in the Action, Applicants hereby provisionally elect with traverse Group I, Species A2 (claims 1 and 5-33, Figs. 5, 6, 8-10D); Group I, Species B1 (claims 1-9 and 19-33; Fig. 7A); Group I, Species C1 (claims 1-33; Figs. 3-6, 8, 9); Group I, Species D1 (claims 1 and 5-30; Figs. 8, 9). Applicant's election is made without prejudice.

Applicants respectfully submit that the election requirement set forth in the Action is improper for at least the reason that the Examiner fails to provide any basis for the species part of the restriction requirement. Applicant respectfully submits that since the search for one species necessarily includes the classes and subclasses for the searches for the other species, there is no undue burden on the Examiner to search all the species recited in the Office Action. Therefore, Applicants respectfully request reconsideration and withdrawal of the election of species requirement.

Applicants further respectfully submit that amended claim 1 is a generic claim. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested. If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: December 12, 2005

Respectfully submitted,

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